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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,702	12/21/2001	Masaharu Nishimura	217720US3	6819

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

KIM, TAE JUN

ART UNIT PAPER NUMBER

3746

DATE MAILED: 01/23/2004 //

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,702

Applicant(s)

NISHIMURA ET AL.

Examiner

Ted Kim

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 5 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 12/1/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy of the JP 09-230836 reference was found. A copy of the JP 11-062549 English abstract was found attached to the IDS.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Keller et al (6,351,947). Keller et al teach a gas turbine combustor, comprising a casing 12 surrounding an air intake; and a damper 17 connected to an inner wall of the casing and configured to resonate with a vibration of air in the intake chamber, the damper comprising a first second 28, 29. A second section (L-shaped portion of 29 perpendicular

to the rest of 29) having a thickness greater than the first section. Alternately, wall 17a could be considered the second portion which partially overlaps with the first portion.

4. Claims 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sattinger et al (6,530,221). Sattinger et al teach (Fig. 4), a gas turbine combustor, comprising a casing 50 surrounding an air intake; and a damper 52 connected to an inner wall of the casing and configured to resonate with a vibration of air in the intake chamber, the damper comprising a first section 52 and a second section 59 having a thickness greater than the first section, if the thickness is measured in the radial direction. Alternately, the first section is 59 and the second section is 52 if the thickness is measured perpendicular to each plate axis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller in view of Neumann (4,411,616). Keller et al teach a gas turbine combustor, comprising a casing 12 surrounding an air intake; and a damper 17 connected to an inner wall of the casing and configured to resonate with a vibration of air in the intake chamber, the damper comprising a first section 28, 29. A second section (L-shaped

portion of 29 perpendicular to the rest of 29) having a thickness greater than the first section. Alternately, wall 17a could be considered the second portion which partially overlaps with the first portion. Keller et al do not teach the plate of the vibration damper is the resonating/vibrating member. Neumann teaches a combustor covered by a casing 1 via an intake chamber, characterized in that a sheet-like vibration damper 4 or 7 or 11 or 13 which resonates with the vibration of air in the intake chamber to absorb the energy of the air vibration, is attached to an inner wall of the casing 1 by an attaching member with an empty space therebetween; the sheet-like vibration damper 4 or 7 or 11 or 13 can be made of a single-layered thin flat plate. It would have been obvious to one of ordinary skill in the art to employ the combustor of Keller et al, with a vibrating/resonating plate, in order to dampen the combustion vibrations.

7. Claims 1, 2, 4, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sattinger et al (6,530,221) in view of Neumann (4,411,616). Sattinger et al teach (Fig. 4), a gas turbine combustor, comprising a casing 50 surrounding an air intake; and a damper 52 connected to an inner wall of the casing and configured to resonate with a vibration of air in the intake chamber, the damper comprising a first section 52 and a second section 59 having a thickness greater than the first section, if the thickness is measured in the radial direction. Alternately, the first section is 59 and the second section is 52 if the thickness is measured perpendicular to each plate axis. Sattinger et al do not teach the plate of the vibration damper is the resonating/vibrating member.

Neumann teaches a combustor covered by a casing 1 via an intake chamber,

characterized in that a sheet-like vibration damper 4 or 7 or 11 or 13 which resonates with the vibration of air in the intake chamber to absorb the energy of the air vibration, is attached to an inner wall of the casing 1 by an attaching member with an empty space therebetween; the sheet-like vibration damper 4 or 7 or 11 or 13 can be made of a single-layered thin flat plate. It would have been obvious to one of ordinary skill in the art to employ the combustor of Sattinger et al, with a vibrating/resonating plate, in order to dampen the combustion vibrations.

8. Claims 1, 2, 4, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman, Jr. et al (2,930,195) in view of Neumann (4,411,616). Blackman, Jr et al teach a gas turbine combustor covered by a casing 10 via an intake chamber 20, characterized in that a sheet-like vibration damper 20, is attached to an inner wall of the casing 2 by an attaching member 17 with an empty space therebetween; the sheet-like vibration damper is made of a single-layered thin flat plate. Blackman, Jr et al do not teach the plate of the vibration damper is the resonating/vibrating member. Neumann teaches a combustor covered by a casing 1 via an intake chamber, characterized in that a sheet-like vibration damper 4 or 7 or 11 or 13 which resonates with the vibration of air in the intake chamber to absorb the energy of the air vibration, is attached to an inner wall of the casing 1 by an attaching member with an empty space therebetween; the sheet-like vibration damper 4 or 7 or 11 or 13 can be made of a single-layered thin flat plate. Neumann further teaches the damper 4 comprising a first section and a second section having a thickness greater than the first section in a direction. It would have been

obvious to one of ordinary skill in the art to employ the combustor of Blackman, Jr. et al, with a vibrating/resonating plate, in order to dampen the combustion vibrations.

Allowable Subject Matter

9. Claims 3, 5 are allowed.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 2, 4, 12-14 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 703-308-2631. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are 703-872-9306 for Regular faxes and 703-872-9306 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on 703-308-2675.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861.

General inquiries can also be directed to Technology Center Customer Service Office at 703-306-5648 or the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at

<http://www.uspto.gov/main/patents.htm>



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